

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

SERGIO DE LEON, )  
 )  
Petitioner, )  
 )  
vs. ) NO. CIV-21-0941-HE  
 )  
BUREAU OF PRISONS, )  
 )  
Respondent. )

**ORDER**

Petitioner Sergio De Leon, a federal prisoner appearing *pro se*, filed a petition for habeas relief under 28 U.S.C. § 2241 challenging the Bureau of Prisons' calculation of his sentence. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings. Judge Mitchell has issued a Report and Recommendation recommending that the petition be denied for failure to exhaust administrative remedies.

The Report advised petitioner of his right to object to the Report by March 8, 2022. Petitioner has not objected to the Report thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #17]. Petitioner's petition is **DISMISSED**. The court also concludes that a certificate of appealability should not issue because petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

**IT IS SO ORDERED.**

Dated this 21<sup>st</sup> day of March, 2022.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE